

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

CLARA J. DAVIS,)	
)	
Plaintiff,)	8:07CV342
)	
v.)	
)	
KONE, INC., (d/b/a KONE OMAHA)	ORDER
and KONE CORPORATION), and)	
JOHN DOE, CORP.,)	
)	
Defendants.)	
_____)	

This matter is before the Court on defendant Kone, Inc.'s motion to dismiss (Filing No. 18). The Court notes that the motion and the briefs raise issues identical to those previously decided in a related case before this Court.¹ The Court therefore finds that the motion should be denied for the reasons stated in its previously issued memorandum and order (Case No. 8:07CV286, Filing No. 21). Accordingly,

¹ The briefs of both parties are nearly identical as well, although the names and dates have been changed. (*Compare* Filing Nos. 18, 19, 21 with Case No. 8:07CV286, Filing Nos. 12, 13, 15, 17.) This would be of no moment but for the fact that neither party cites to the other case or to this Court's prior ruling in its briefing. Counsel are reminded of their obligation to cite all relevant legal material to the Court. See Fed. R. Civ. P. 11(b)(2); Model Rules of Prof'l Conduct R. 3.3(a)(2).

IT IS ORDERED that defendant Kone, Inc.'s motion to dismiss is denied.

DATED this 13th day of May, 2008.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court